

PATENT
10/058,772

D. REMARKS

Claims Status

Claims 1-5, 7-14, 16-23, and 25-27 are pending in the application and are amended. Claims 6, 15, and 24 were previously canceled.

Interview Summary

On October 3, 2005 an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiner Zhou. No exhibits were shown, nor demonstrations conducted.

Applicants' representative and the Examiner discussed claim 1, and in particular a clarification of the rejection of claim 1. Specifically, the prior art cited against Claim 1 is Gelsinger et al (U.S. Patent 5,892,511) in view of Foote (European Patent 1083485). Applicants' representative requested clarification of the Examiner's statement that "Foote teaches updating the displayed window element of a resource indicator in response to a detected event of changes, such as increases or decreases in resource usage" cited with reference to col. 1, line 54-col. 2, line 14 of Foote. The Examiner stated that since Gelsinger discusses detecting activity and updating a display and Foote discusses that there is a resource indicator updated with the activity, then the combination of Gelsinger and Foote teaches displaying the updates to the resource indicator, but that Foote alone does not teach updating a displayed window element. Applicants' representative noted that the rejection states that Foote teaches updating a displayed window element, but that the Examiner's statement clarifies that Foote alone does not teach updating a displayed window element with current activity, but only updating a resource indicator responsive to current activity.

Applicants' representative and the Examiner discussed claim 1, and in particular a proposed amendment to claim 1. Specifically, Applicants' representative proposed an amendment to add an element of "automatically ordering a selection of maximized window elements from among said plurality of window elements according to each said separate level of

AUS920010521US1

16

PATENT
10/058,772

current activity of each of said selection of maximized window elements.” The Examiner noted that Gelsinger discusses adjustments to the z-order in col. 7, lines 28-60 and that there is likely other art that teaches ordering the displayed windows according to activity levels. The Examiner also noted that more likely, the novel feature of the invention is that windows are ordered and a map of the ordering is displayed, as illustrated in Figures 4 and 5 of the present invention.

In addition, on October 10, Applicants’ representative contacted the Examiner and requested a discussion of a proposed amendment to cancel the elements of “wherein said current activity comprises at least one activity from among usage of a graphics card in association with said window elements, a number of threads used in association with said window elements, an amount of data storage used in association with said window element, a net network bandwidth used in association with said window element, and an amount of memory used in association with said window element” and add an element that would distinguish the activity from merely user selections of windows. Applicants proposed to add the element of a “non-interactive computing task” or “performed by a component of a computer system” to clarify the type of activity detected and requested that the Examiner indicate whether the terms would be rejected under 112. The Examiner responded on October 12 that the term “non-interactive computing task” would not be rejected if the specification indicated a difference between interactive tasks and non-interactive tasks, even if the specific terms were not used. Applicants’ representative proposed that Figure 6 indicates that one type of preference is based on resource usage and another on user interaction and therefore Figure 6 would provide basis for non-interactive tasks detected separately from interactive tasks. The Examiner said it was likely that more support specifically excluding interactive tasks from resource usage would be needed. Applicants concluded that in view of the other amendments to the specification, even if the detected activity includes user interaction, Gelsinger in view of Foote does not teach each of the other elements and therefore describing that the activity is “performed by at least one component of a computer system” has basis in the specification and would clarify the type of “activity” detected.

In conclusion, no agreement was reached with respect to the claims. Applicant is filing this response for further review by the Examiner.

AUS920010521US1

17

PATENT
10/058,772

35 USC 101

The Examiner rejects claims 19-23 and 25-27 under 35 USC 101 as directed to non-statutory subject matter. [Office Action dated 7/14/2005, p. 2] In particular, the Examiner states:

Claim 19 is not limited to tangible embodiments. In view of Applicant's disclosure, specification page 12, line 23-page 13, line 15, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g. floppy disk, hard disk, magnetic tape, etc.) and intangible embodiments (e.g. transmission media taking the form of acoustic or light waves, data signals embodied in carrier waves, etc.). As such, the claim is not limited to statutory subject matter and is therefore non-statutory as the claim is not tangible. [Office Action, p. 2]

On October 13, 2005, Applicants representative contacted Examiner Zhou and requested that Examiner Zhou withdraw the rejection under 35 USC 101 in view of the pending release of a Board decision that would reverse the rejection presented under 35 USC 101. The Examiner agreed to withdraw the rejection under 35 USC 101 as to claims 19-23 and 25-27. In view of the withdrawn rejection, Applicants maintain claims 19-23 and 25-27 as previously presented, but with regard to 35 USC 101, but amended in view of the rejection under 35 USC 103(a), as discussed below.

Lack of Obviousness under 35 USC § 103(a)

1. Claims 1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-20, 22-23, and 25-26 are not obvious under Gelsinger in view of Foote

Claims 1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-20, 22-23, and 25-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gelsinger (US Patent 5,892,511) in view of Foote (European Patent 1083485). [Office Action, p. 3] As amended, claims 1-2, 4-5, 7-8, 10-11, 13-14, 16-17, 19-20, 22-23, and 25-26 are not obvious, the rejection should be withdrawn, and the claims should be allowed.

AUS920010521US1

18

PATENT
10/058,772

Claims 1, 10, and 19

With regards to claims 1, 10 and 19, independent method claim 1, which is representative of independent system claim 10 and independent computer program product claim 19, with regard to similarly recited subject matter and rejection, reads as follows:

1. **(Currently Amended)** A method for automatic window representation adjustment, said method comprising the steps of:

detecting a separate level of current activity performed by at least one component of a computer system in association with each of a plurality of ~~[[a]]~~ window elements within a graphical interface, ~~wherein said current activity comprises at least one activity from among usage of a graphics card in association with said window elements, a number of threads used in association with said window elements, an amount of data storage used in association with said window element, a net network bandwidth used in association with said window element, and an amount of memory used in association with said window element; [[and]]~~

automatically performing at least one of minimizing at least one of said plurality of window elements and maximizing at least one of said plurality of window elements as triggered by an adjustment to at least one said separate level of current activity in relation to a threshold level for said current activity to reflect said current activity, such that a representation of each of said plurality of window elements is graphically represented, wherein minimizing said window element when said separate level of current activity adjusts less than a threshold level comprises reducing said window element from a graphical window to a graphical icon representing said graphical window, wherein maximizing said window element when said separate level of current activity adjusts greater than a threshold level comprises increasing said window element from a minimized graphical icon representing said window element to a full graphical window; and

displaying within a separate window element within said graphical interface a graphical representation of each of said plurality of window elements ordered according to each said separate level of current activity.

Regarding claims 1, 10, and 19, the Examiner cites the following rejection:

Gelsinger teaches a method, system and program comprising a graphical user interface (Gelsinger: column 2, lines 49-50), detecting current activity of a window element within a graphical interface (checking whether a minimized window is being pointed to) (Gelsinger: column 9, lines 57-67), and automatically performing at least one of minimizing the window element and maximizing the window element to reflect the current activity, such that a representation of the

AUS920010521US1

19

PATENT
10/058,772

window element is graphically represented, wherein minimizing the window element comprises reducing the window element from a graphical window to a graphical icon representing the graphical window, wherein maximizing the window element comprising increasing the window element from a minimized graphical icon representing the window element to a full graphical window (upon detecting that a minimized window icon, or button on the taskbar is being pointed to, the interface displays the minimized window in expanded form, or maximizes the window from a minimized icon/button on the taskbar to an expanded window, to reflect activation of the window) (Gelsinger: column 9, line 51-column 10, line 19). However, though Gelsinger teaches updating a window element in response to the detected event (i.e. minimizing or maximizing a window in response to the detected event of a window being pointed to), Gelsinger fails to explicitly teach the current activity comprises at least one activity from among usage of a graphics card in association with the window element, a number of threads used in association with the window element, an amount of data storage used in association with the window element, a net network bandwidth used in association with the window element, and an amount of memory used in association with the window element. Foote teaches a method that updates a window element in response to a detected event similar to that of Gelsinger (i.e. Foote teaches updating the displayed window element of a resource indicator in response to a detected event of changes, such as increases or decreases in resource usage) (Foote: column 1, line 54-column 2, line 14). In addition, Foote further teaches the detected current activity of a window element comprises resource usage such as an amount of memory used in association with the window element (window elements such as the resource indicator are associated with activities such as resource, more specifically, memory usage; in other words, Foote teaches detecting increases and decreases in the amount of memory used, which is associated with a displayed resource indicator whose display is updated as result of the detection) (Foote: column 1, line 54-column 2, line 14). It would have been obvious to one of ordinary skill in the art, having the teachings of Gelsinger and Foote before him at the time the invention was made, to modify the minimization/maximization of window elements to reflect activity of Gelsinger to include the method of reflecting activity such as memory usage taught by Foote, in order to obtain a method, system, and program that detects current activity of a window element within a graphical user interface, such as detection of memory usage, and automatically performing at least one of minimizing and maximizing the window element in response to the detection of memory usage to reflect such activity. One would have been motivated to make such a combination in order to track and manage resource usage effectively, preventing overuse of already limited resource. [Office Action, pp. 3-5]

AUS920010521US1

20

PATENT
10/058,772

There is no suggestion or motivation to modify Gelsinger by Foote

To establish a prima facie case of obviousness, there must be a suggestion or motivation to modify the references. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438, 1442 (Fed Cir. 1991). In particular, the teaching, suggestion or motivation to combine or modify the teachings of the prior art to produce the claimed invention must be found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art and the examiner must explicitly point to the teaching within the reference suggesting the proposed modification. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Absent such a showing, the Examiner has impermissibly used “hindsight” occasioned by Applicants’ own teaching to reject the claims. *In re Surko*, 11 F.3d 887, 42 USPQ2d 1476 (Fed. Cir. 1997); *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991); *In re Gorman*, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990); *In re Laskowski*, 871 F.2d 115, 117, 10 USPQ2d 1397, 1398 (Fed. Cir. 1989).

Applicants respectfully assert there is no suggestion or motivation to modify Gelsinger by Foote because, when viewed as a whole, Gelsinger discloses maximizing windows based only on a user selection and does not suggest or motivate modification to maximize and minimize windows based on any other occurrence in relation to the windows; the mere description of maximizing a window element based on a user pointing to a window icon does not suggest or motivate detecting an activity level of a computer resource associated with the window element and minimizing or maximizing the window element based on the activity level. The Examiner cites Gelsinger as teaching “minimizing and maximizing each of the plurality of window elements in response to an event of a window being pointed to”. [Office Action, p. 4] Further, the Examiner states in the response to arguments that “detecting whether a window icon or button is being pointed to is an event; in other words, minimizing or maximizing based on a window icon or button being pointed to is based on an event.” [Office Action, pp. 9-10] The Examiner also cites the Merriam-Webster Online Dictionary as support for the definition of event as “simply something that happens, i.e. an occurrence.” [Office Action, p. 10] Thus, the Examiner maintains that “detecting whether a window icon or button is being pointed to is an

AUS920010521US1

PATENT
10/058,772

occurrence, i.e. it is something that happens, and therefore Gelsinger teaches minimizing or maximizing windows based on an event.” [Office Action, p. 10] The Examiner then states that “Foote teaches a method that updates a window element in response to a detected event similar to that of Gelsinger.”

Applicants note that Gelsinger describes either maximizing a minimized window specifically pointed to or maximizing all minimized windows at the startup of a selection agent application. *Gelsinger*, col. 9, line 50 – col. 10 line 18. Neither maximizing a minimized window specifically pointed to or maximizing all minimized windows at the startup of a “selection agent” application motivate or suggest maximizing a minimized window based on the “occurrence” of anything other than a specific user selection, whether that selection is a specific window or opening a “selection agent” application. Thus, regardless of whether the Examiner’s assertion that maximizing a window responsive to a user pointing at the minimized window icon is an event, Applicants respectfully assert that Gelsinger does not motivate or suggest window maximizations based on anything other than a user selection. Therefore, Gelsinger does not suggest or motivate modification to first detect the usage of a non-interactive computer resource in association with a window elements, such as the number of CPU processor threads running in association with a window element, and then minimizing or maximizing a minimized window element based on the level of usage detected.

In addition, Applicants note that Foote only describes updating a resource indicator (data object), where updates trigger internal adjustments within the computer system, but does not describe displaying the status of a resource indicator in any way within the user interface. *Foote*, col. 1, line 54–col. 2, line 14. Therefore, Foote does not suggest or motivate updating a display interface with updates to the resource indicator.

In conclusion, because Gelsinger does not suggest or motivate maximizing windows based on any event other than a user selection and Foote does not suggest or motivate updating a display interface with updates to the resource indicator, or even a window element associated with a resource indicator, there is no suggestion or motivation to modify Gelsinger by Foote or Foote by Gelsinger to teach detecting a current level of activity of each window element within a

AUS920010521US1

22

PATENT
10/058,772

user interface, where that activity is usage of a computer resource by the window element, and minimizing or maximizing the window element to reflect the current activity. Applicants respectfully assert that prima facie obviousness is not established for claims 1, 10, and 19 because there is no suggestion or motivation to modify Gelsinger by Foote under 35 U.S.C. §103(a). Because a prima facie case of obviousness is not established, Applicants respectfully request that Examiner reverse the rejection of claims 1, 10, and 19 and allow the claims.

Neither Gelsinger nor Foote, separately or in combination, teaches or suggests all the limitations of claims 1, 10 and 19

Nevertheless, regardless of whether the Examiner's previous assertions are correct, Applicants amend claims 1, 10, and 19 to distinguish the claims from Gelsinger in view of Foote. In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Gelsinger in view of Foote does not teach or suggest each and every element of amended claims 1, 10, and 19 because neither Gelsinger or Foote, separately or in combination, teaches or suggests the amended elements of automatically performing at least one of minimizing at least one of said plurality of window elements and maximizing at least one of said plurality of window elements as triggered by an adjustment to at least one said separate level of current activity in relation to a threshold level for said current activity or displaying within a separate window element within said graphical interface a graphical representation of each of said plurality of window elements ordered according to each said separate level of current activity. Applicants note the specification supports the amendments throughout and, in particular, in Figures 4, 5, 6, and 7 and paragraphs 0059-0075. Therefore, because the references do not teach at least one element of amended claims 1, 10, and 19, the claims are not obvious under Gelsinger in view of Foote under 35 U.S.C. 103(a) and therefore claims 1, 10, and 19 should be allowed.

First, Gelsinger in view of Foote does not teach automatically performing at least one of minimizing at least one of said plurality of window elements and maximizing at least one of said
AUS920010521US1

PATENT
10/058,772

plurality of window elements as triggered by an adjustment to at least one said separate level of current activity in relation to a threshold level for said current activity because neither Gelsinger nor Foote teaches minimizing or maximizing a window element as triggered by an adjustment to a level of current activity of the window element in relation to the threshold level for the current activity. In the rejection, the Examiner cites col. 10, lines 11-19 of Gelsinger which reads:

FIG. 7 is a flowchart illustrating the steps followed to assist in window selection according to another embodiment of the present invention. Upon activation of the window selection agent, the selection agent obtains a list of the current top-level windows, step 705. The selection agent then makes all of the current top-level windows translucent, step 710. In one implementation, minimized windows are expanded and also displayed in step 710.

In Gelsinger, “current top-level windows” are defined as “those windows which are opened from the desktop window, such as applications being executed or folders being opened.” *Gelsinger*, col. 5, lines 12-15. Thus, Gelsinger describes that if a “window selection agent” is activated by the user, the agent may expand all minimized windows. Neither Gelsinger or Foote describes automatically minimizing window elements. Further, neither Gelsinger nor Foote describes automatically minimizing or maximizing window elements as triggered by a current activity associated with a window element adjusting above or below a threshold level for that activity.

Second, Gelsinger in view of Foote does not teach displaying within a separate window element within said graphical interface a graphical representation of each of said plurality of window elements ordered according to each said separate level of current activity because neither Gelsinger or Foote teaches a graphical representation of the ordering of window elements according to the level of current activity associated with each window element. While the background of Gelsinger, col. 1, lines 46-52 describe that one way “to simplify locating and activating windows in a multiple-window display” is to “provide a list of current windows, including, for example, both open and minimized windows”, Gelsinger does not teach or suggest displaying a graphical representation of the window elements ordered according to the level of current activity associated with each window element. Further, Applicants respectfully assert that because Gelsinger does not teach or suggest displaying a graphical representation of window elements specifically ordered according to current activity, Gelsinger in view of Foote does not

AUS920010521US1 24

PATENT
10/058,772

teach or suggest displaying a graphical representation of window elements ordered according to current activity associated with each window element.

In conclusion, Applicants respectfully assert that the combination of Gelsinger and Foote fails to teach automatically performing at least one of minimizing at least one of said plurality of window elements and maximizing at least one of said plurality of window elements as triggered by an adjustment to at least one said separate level of current activity in relation to a threshold level for said current activity or displaying within a separate window element within said graphical interface a graphical representation of each of said plurality of window elements ordered according to each said separate level of current activity. Therefore, a prima facie case of obviousness under 103(a) is not established for claims 1, 10, and 19 because the teachings of Gelsinger and Foote do not make at least one element in claims 1, 10, and 19 obvious to one of ordinary skill in the art. Because a prima facie case of obviousness under 103(a) is not established for the claims 1, 10, and 19, Applicants respectfully request allowance of claims 1, 10, and 19.

In addition, Applicants note the amendment to claims 1, 10, and 19 canceling the element of “wherein said current activity comprises at least one activity from among usage of a graphics card in association with said window elements, a number of threads used in association with said window elements, an amount of data storage used in association with said window element, a net network bandwidth used in association with said window element, and an amount of memory used in association with said window element” and adding the element of “a separate level of current activity performed by at least one component of a computer system in association with each of a plurality of window elements.” Applicants respectfully assert that the specification supports the amendment throughout, and in particular, in Figure 4 which reflects a memory usage z-order, Figure 5 which reflects the CPU utilization z-order, paragraph 0036 which describes that “activity” may include “current resource usage associated with the window element”, paragraph 0060 which describes that “windows may be z-ordered according to multiple criteria. Here, memory usage associated with each window is utilized as the z-ordering criteria, where the window utilizing the least memory is displayey at the tope of the z-order.”,

AUS920010521US1

25

PATENT
10/058,772

paragraph 0067, and paragraph 0070 which describes that “resource usage may include, but is not limited to, graphics card usage, number of CPUs used, total usage of each CPU, number of threads used, data storage usage, and net bandwidth. Thus, the specification supports detecting the resource usage, or individual usage by window of components of a computer system, and therefore Applicants respectfully request entry of the amendment in view of the specification.

Claims 2, 4-5, 7-8, 11, 13-14, 16-17, 20, 22-23, and 25-26

First, with regard to claims 2, 4-5, 7-8, 11, 13-14, 16-17, 20, 22-23, and 25-26, Applicants respectfully assert that because prima facie obviousness is not established for claims 1, 10, and 19, at least by virtue of their dependency on claims 1, 10, and 19, the combination of Gelsinger in view of Foote does not make the features of dependent claims 2, 4-5, 7-8, 11, 13-14, 16-17, 20, 22-23, and 25-26 obvious under 35 U.S.C. §103(a). In addition, Applicants note that claims 2, 5, 7, 8, 11, 14, 16, 17, 20, 23, 25 and 26 are amended to maintain antecedent basis in view of the amendments to claims 1, 10, and 19.

Second, Applicants respectfully assert that claims 2, 11, and 20 are not obvious under Gelsinger in view of Foote and therefore the rejection should be removed and the claims allowed. With regards to claims 2, 11, and 20, dependent method claim 2, which is representative of dependent system claim 11 and dependent computer program product claim 20, with regard to similarly recited subject matter and rejection, reads as follows:

2.(**Currently Amended**) The method for automatic window representation adjustment according to claim 1, said step of automatically performing further comprising the step of:

automatically adjusting a position of each of said plurality of window elements within a z-order of a plurality of windows displayed within said graphical interface to reflect said graphical representation of each of said plurality of window elements ordered according to each said separate level of current activity.

In the rejection of claims 2, 11, and 20, the Examiner states:

Gelsinger, as modified, teach[es] automatically adjusting a position of the window element within the z-order of a plurality of windows displayed within the graphical user interface (the window selection agent helps the user to cycle

AUS920010521US1

26

PATENT
10/058,772

through sets of overlapped windows, the set being determined by the z-order of windows; furthermore, as a user selects a minimized window, the window is automatically expanded and displayed, changing its z-order by making it the currently active window) (Gelsinger, col. 2, lines 49-67, column 7, lines 8-65, and column 9, line 51-column 10, line 19). [Office Action, p. 5]

Applicants note that claims 2, 11, and 20 are amended to indicate that the z-order position reflect the graphical representation of the window elements ordered according to levels of current activity. The specification supports the amended element throughout, and in particular, in Figures 3 and 4 and paragraphs 0056-0063. Gelsinger only describes changing a z-order to reflect a new window at the top of the z-order. Gelsinger does not describe changing a z-order to reflect anything other than a user selection of a window. Therefore, Gelsinger does not describe adjusting a z-order so that the ordering of the windows reflects the ordering of the activity levels associated with each window. Therefore, Applicants respectfully assert that even if Gelsinger as modified by Foote teaches or suggests claims 1, 10, and 19, since Gelsinger does not describe adjusting a z-order except in response to a new window at the top of the z-order, Gelsinger in view of Foote does not teach or suggest automatically adjusting a position of each of said plurality of window elements within a z-order of a plurality of windows displayed within said graphical interface to reflect said graphical representation of each of said plurality of window elements ordered according to each said separate level of current activity, claims 2, 11, and 20 are not obvious under Gelsinger in view of Foote, and the claims should be allowed.

2. Claims 3, 12, and 21 are not obvious under Gelsinger in view of Foote and further in view of the Microsoft Windows snapshots

Claims 3, 12, and 21, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gelsinger in view of Foote and further in view of Microsoft® Windows snapshots 1-5 (hereinafter "Microsoft"). [Office Action, p. 3]

First, with regard to claims 3, 12, and 21, Applicants respectfully assert that because prima facie obviousness is not established for claims 1, 10, and 19, at least by virtue of their dependency on claims 1, 10, and 19, the combination of Gelsinger in view of Foote and further

AUS920010521US1

27

PATENT
10/058,772

in view of Microsoft does not make the features of dependent claims 3, 12, and 21 obvious under 35 U.S.C. §103(a). In addition, Applicants note that claims 3, 12, and 21 are amended to maintain antecedent basis in view of the amendments to claims 1, 10, and 19.

Second, Applicants respectfully assert that claims 3, 12, and 21 are not obvious under Gelsinger in view of Foote and further in view of Microsoft and therefore the rejection should be removed and the claims allowed. With regards to claims 3, 12, and 21, dependent method claim 3, which is representative of dependent system claim 12 and dependent computer program product claim 21, with regard to similarly recited subject matter and rejection, reads as follows:

3. **(Currently Amended)** The method for automatic window representation adjustment according to claim 1, said step of automatically performing further comprising the step of:

automatically adjusting a size of said at least one of said plurality of window elements when performing one of minimizing at least one of said plurality of window elements and maximizing at least one of said plurality of window elements to a preselected size specified by a user in a selection of preferences designated in association with performing one of minimizing at least one of said plurality of window elements and maximizing at least one of said plurality of window elements as triggered by an adjustment to at least one said separate level of current activity in relation to said threshold level for said current activity to reflect said current activity

In the rejection of claims 3, 12, and 21, the Examiner states:

Gelsinger and Foote fails to explicitly teach automatically adjusting a size of the window element when performing one of minimizing the window element and maximizing the window element to a preselected size specified by a user in a selection of preferences designated in association with performing one of minimizing the window element and maximizing the window element to reflect the current activity. [Office Action, p. 7]

However, the Examiner states:

Microsoft teaches a graphical user interface that displays a plurality of window elements similar to that of Gelsinger and Foote (Microsoft: Screenshot 2). In addition, Microsoft teaches automatically adjusting a size of the window element when performing one of minimizing the window element and maximizing the window element to a preselected size specified by a user in a selection of

AUS920010521US1

28

PATENT
10/058,772

preference designated in association with performing one of minimizing the window element and maximizing the window element to reflect the current activity (users can specify a preselected preferred size for a window element, as shown in Screenshot 3, so that when the corresponding window element is maximized from a minimized state, as shown in Screenshot 4, the size of the maximized window is automatically adjusted to the user pre-selected size, as shown in Screenshot 5). [Office Action, p. 7]

The Examiner concludes that

[i]t would have been obvious to one of ordinary skill in the art, having the teachings of Gelsinger, Foote, and Microsoft before him at the time the invention was made, to modify the graphical user interface for adjusting a size of a window element when performing one of minimizing and maximizing a window element to reflect the current activity of Gelsinger and Foote to include the minimizing and maximizing of a window element to a user specified preselected size taught by Microsoft. One would have been motivated to make such a combination in order to give users the flexibility and convenience of adjusting the display of interface components according to their preferences and likings. [Office Action, pp. 7-8]

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Applicants respectfully assert that a prima facie case of obviousness is not established in claims 3, 12, and 23 because none of the references teach or suggest a preselected size specified by a user in a selection of preferences designated in association with minimizing or maximizing a window element to reflect the current activity. Applicants note that Screenshot 3 shows that a user may adjust the size of a particular window, Screenshot 4 shows the window minimized to an icon, and Screenshot 5 shows the window maximized from the icon to the previous size. Thus, Microsoft only describes enabling a user to adjust the maximized size of a window by physically adjusting the window prior to minimization. Microsoft does not describe or suggest that a window that may be maximized to different preselected sizes based on the trigger for the maximization. In contrast, claim 3 describes that a user may preselect a separate size in the preferences associated with maximizing a window element only when triggered by the adjustment in activity level above a threshold for

AUS920010521US1

29

PATENT
10/058,772

that current activity, and thus set a separate maximized window size based on the trigger. Because Microsoft does not teach or suggest adjusting a size of a maximized window element triggered by an adjustment to the activity level associated with the window element to a size preselected in association with that trigger, the combination of Gelsinger, Microsoft and Foote fails to teach automatically adjusting a size of said at least one of said plurality of window elements when performing one of minimizing at least one of said plurality of window elements and maximizing at least one of said plurality of window elements to a preselected size specified by a user in a selection of preferences designated in association with performing one of minimizing at least one of said plurality of window elements and maximizing at least one of said plurality of window elements as triggered by an adjustment to at least one said separate level of current activity in relation to said threshold level for said current activity. Therefore, a prima facie case of obviousness under 103(a) is not established for claims 1, 10, and 19 because the teachings of Gelsinger, Foote, and Microsoft, separately or in combination, do not make at least one element in claims 1, 10, and 19 obvious to one of ordinary skill in the art. Because a prima facie case of obviousness under 103(a) is not established for the claims 1, 10, and 19, Applicants respectfully request allowance of claims 1, 10, and 19.

3. Claims 9, 18, and 27 are not obvious under Gelsinger in view of Foote and further in view of Hall, Jr.

Claims 9, 18, and 27, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gelsinger in view of Foote and further in view of Hall, Jr. (US Patent 6,108,003) [Office Action, p. 3] With regard to claims 9, 18, and 27, Applicants respectfully assert that because prima facie obviousness is not established for claims 1, 10, and 19, at least by virtue of their dependency on claims 1, 10, and 19, the combination of Gelsinger in view of Foote and further in view of Hall does not make the features of dependent claims 9, 18, and 27 obvious under 35 U.S.C. §103(a). In addition, Applicants note that claims 9, 18, and 27 are amended to maintain antecedent basis in view of the amendments to claims 1, 10, and 19.

AUS920010521US1

30

PATENT
10/058,772

Conclusion

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

In addition, The Commissioner is authorized to charge payment of any necessary fees or credit any overpayments to deposit account 09-0447.

Respectfully submitted,



m 10/13/05

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31